

SPECIAL MASTERS
Regional Family Trial Docket, Middletown, Connecticut

Elizabeth S. Thayer, Ph.D.
Beacon Behavioral Services, LLC

David Griffin, Esq.
Griffin, Griffin & Mayo LLC

1. History

In order to “qualify” for referral to the Regional Family Trial Docket (RFTD) at the Middletown Court, a custodial dispute must already have failed to settle in the local judicial district despite a full custody evaluation (by Family Relations, a private forensic evaluator or both), the appointment of a Guardian ad Litem and/or the appointment of an Attorney for the Minor Child. Discovery must be complete and the valuation must be current in order for the case to be eligible for acceptance at RFTD. There must be a minimum number of expected trial days (somewhat fluid depending on the size of the referring district). Only the unusually difficult cases (read this to mean “difficult parties”) make it to the RFTD. The Special Masters process at the RFTD was conceived to provide a focused, “last chance” opportunity for parties to simultaneously: (a) have their thinking and positions challenged; and (b) safely explore new ways to creatively compromise and resolve their custodial differences with the assistance of a gender-neutral team of Special Masters. The Special Masters process is an all-day event in which the parties, their counsel, the Guardian ad Litem and/or Attorney for the Minor Child all participate in attempting to settle the case, in a variety of roles.

In the weeks leading up to the Special Masters day, it is the responsibility of the parties and their counsel to make a review of their positions and the evidence in support of, and contrary to those positions, to prepare and submit to the RFTD Court Officer a set of Proposed Orders as to legal custody and a parenting plan, a Statement of Existing Orders, a Statement of Issues and to provide other information to the Court Officer. This information must be submitted enough in advance of the Special Masters day for those materials to be provided to the Special Masters team for review and understanding. The Attorney for the Minor Child submits Proposed Orders; the GAL does not. It cannot be stressed enough that part of the preparation for Special Masters is psychologically preparing the parties for settlement. Discussion of litigation risk, emotional and financial costs of trial, post-trial fallout between parents and the “second hand smoke” effect of a trial on the children, all need to be on the checklist of an attorney preparing his or her client for the Special Masters day. It is important for the parties to bring a school calendar and photos of the children.

2. Who Are the Masters?

The Special Masters are a team composed of a lawyer and a licensed mental health professional both experienced in family law, conflict resolution, and working with parents pre and/or post divorce. The team includes opposite gender professionals. The Masters donate their services for their preparation for the Special Masters day (review all materials submitted by the parties, the Family Services Report and the Psychological Evaluation) as well as for the actual Special Masters day, without compensation. The goal of the process is for the Masters to help the parties stay focused on the children and facilitate an agreement

between the parties by the end of the day. The Masters work is to resolve parenting issues which may include the parent plan as well as other parenting concerns. They may also make recommendations for further intervention and/or evaluation.

3. The Structure of the Day

- a. Meet in the courtroom at about 9:15 a.m. for the judge's introduction and briefing. Each parent's attorney, the GAL, and the Masters need to expect to be present for the entire day until possibly 5:00 p.m. The parties frequently meet alone with the Special Masters - therefore, counsel for the parties should bring additional work or reading that they can utilize during times they are not meeting with their clients and discussing options.
- b. Proceed to the room where you will work with the masters for the day. Parents will watch a movie to help them to understand the impact of a custodial dispute on the children. *New GALs can preview the movie or even watch it with the parents.*
- c. GAL usually meets with the Masters to prepare for the day and outline the case (see below).
- d. Masters usually then meet with the entire team including the parents and all attorneys, in order to make complete introductions, frame the agenda for the day and focus the parties on the children's interests.
- e. Masters then meet with individual parents, parents together with or without the GAL and the attorneys at the discretion of the Masters.
- f. The Masters will work on achieving a settlement of at least the parenting issues and prepare the structure of an agreement.
- g. An agreement is written and all parties read and sign the agreement
- h. Parties return to the courtroom to present the agreement to the judge for acceptance. This must occur by approximately 4:30 p.m. or earlier.

4. GAL Responsibilities

a. Briefing the Masters

The GAL will be expected to brief the Masters on the following:

- 1) History of the case, including the current parenting plan and how well it is serving the children, parental issues such as mental health, substance abuse, domestic violence, etc.
- 2) Status of the children including medical, mental health, educational, activities, social information, parent to parent transitions.
- 3) Litigation and other alternative dispute interventions
- 4) Previous evaluations including the custody evaluations, psychological evaluations, and Family Relations reports.
- 5) GAL's impressions of the parents, the children, professionals involved in the case, risk factors, relationships between the children and their parents. The GAL should be prepared to share info about any relationship difficulties between parents and counsel, parents and GAL, etc. The GAL should have had a current meeting with all parties, formulated proposed orders, and be able to offer hypotheses about the factors contributing to the impasse in the case.

- 6) If the GAL has not previously explicitly stated his/her leanings or recommendation as to parenting, the GAL should be prepared to do so on the Special Masters day at the prompting of the Special Masters, in the context of the parties better understanding their litigation risk.

5. Additional Information for GALs on Special Master Day

Please come well prepared (anticipate that the parties won't bring a school and vacation calendar, bus schedules, work schedules, day care hours and costs – bring these just in case) and if possible bring a computer with a generic agreement. You will be an integral part of the final preparation of the settlement agreement working with the Masters to formulate the document.

Prepare to work actively with the parents and the attorneys at the discretion of the Masters. This will require you to be flexible and focused on the needs of your clients, the children in the family. They are the reason we have the Special Masters session.

Have a thorough working knowledge of the case. Be well versed on the file and organized in your presentation.

Note: The Special Masters Day is long and often tiring but the result is worth every moment as we all work together to help families move forward and take care of the children caught in the middle of their parents' conflicts.

6. Trials

The RFTD makes every effort to schedule the trials for successive dates. Sometimes a case will be given both a back-up date and a firm date. This scheduling is accomplished by the RFTD Caseflow Co-ordinator. Pre-trial compliance orders must be strictly adhered to. Continuance of trial dates are rarely given-typically only for health reasons inasmuch as the dates were picked on the Special Masters' day with everyone's acquiescence to the scheduling.

7. Continuing Jurisdiction

The RFTD judge retains the custody aspects of a case on her docket for at least a year after trial of a case. This has the beneficial effect of reducing litigation from the unhappy litigant(s), inasmuch as it frustrates the effort to try for a different result before a new judge.

Psychological Evaluations in High Conflict Custody Matters

Sidney S. Horowitz, Ph.D.
Connecticut Resource group, LLC

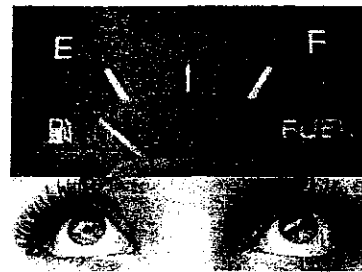
Different Roles



Context

$$B f (P \times E)$$

Why do psychological testing?



Insurance Issues



Definition of a Test

- Standardized Procedure
- Behavior Sample
- Scores or Categories
- Norms or Standards
- Prediction of Non-Test Behavior

The Mental Status Examination

- * Appearance, Grooming, Gait
- * Orientation
- * Memory & Attention
- * Speech and Communication Processes
- * Thought Content
- * Cognitive Ability
- * Emotional Functioning

Psychological Domains in Custody Cases

- Cognitive / Intelligence
- Personality
- Educational / Academic Functioning
- Neuropsychological
- Deception
- Anger
- Parenting Skills / Attitudes
- Children's Resilience and Vulnerability

Cognitive / Intellectual Testing

≤25	Profound Mental retardation
25 – 40	Severe Mental Retardation
40 - 55	Moderate Mental Retardation
55 – 70	Mild mental Retardation
70 – 85	Low Average
85 – 115	Average
115 - 130	Above Average
130 – 145	Superior
>145	Superior Court Judges

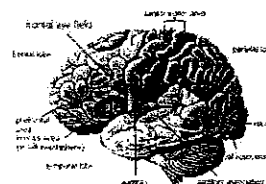
Personality Assessment

- Subjective Tests
- Projective Tests
- Objective Tests

Educational Assessment



Neuropsychological Assessment



Truth & Deception



Validity & Reliability



State & Trait Anger



Resilience & Vulnerability



Uses of a Psychological Evaluation



VS

